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**REMARKS**

Applicants request reconsideration and allowance of the present application in view of the following remarks.

Claims 1-24 are pending in the present application. Claims 1, 7, 9, 15, 17, and 23 are the independent claims.

Claim 2 has been amended. No new matter has been added.

At page 2 of the Office Action, numbered item 3 indicates that "The information disclosure statement filed August 30, 2005 fails to comply with 37 CFR 1.98(a)(3) because it does not include a concise explanation of the relevance, as it is presently understood by the individual designated in 37 CFR 1.56(c) most knowledgeable about the content of the information of each patent listed that is not in the English language" and refers to Japanese Patent Application No. 2001-013934. Attention is respectfully directed to the Form PTO-1449 accompanying the Information Disclosure Statement filed on August 30, 2005. Only a Japanese Office Action, mailed on June 7, 2005, in corresponding Japanese Patent Application No. 2001-013934 was submitted for the Office's consideration.

Claims 2, 10, and 18 have been objected for providing insufficient antecedent basis for the limitation "said threshold". Claims 3, 11, 19, and 21 were objected to because of their dependency on claims 2, 10, and 18. Applicants respectfully note, however, that claims 2, 10, and 18 were previously amended to recite "said threshold value".

Accordingly, Applicants respectfully request that the objection to claims 2, 3, 10, 11, 18, 19, and 21 be withdrawn.

Claims 2-3 stand rejected under 35 U.S.C. §112, second paragraph, as being indefinite for failing to particularly point out and distinctly claim the subject matter which applicant regards as the invention. Specifically, the Examiner has indicated confusion as to the meaning of "threshold value" as used in claim 2 and its relation to the trading fee limitation. Claim 3 stands rejected because it depends from claim 2.

Claim 1 defines the threshold value as a value "that is less than said round lot stock number and is determined by a predetermined rule". Claim 2, which depends directly from claim 1, recites that the threshold value is determined "based on said predetermined rule in which a trading fee of said odd lot buying orders or said odd lot selling orders is equal to or higher than a risk amount for a stock number", wherein "the stock number is a difference between said round lot stock number and said threshold value". Thus, the threshold value is determined based on the trading fee and the risk amount. In view of the amendments to dependent claim 2,

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Applicants respectfully submit that claims 2 and 3 now even more fully comply with the requirements of 35 U.S.C. §112, second paragraph.

Accordingly, favorable reconsideration and withdrawal of the rejection of claims 2 and 3 under 35 U.S.C. §112, second paragraph, are respectfully requested.

Claims 1-24 stand rejected under 35 U.S.C. §103(a) as being unpatentable over U.S. Patent No. 6,601,044 to Wallman in view of "How the Stock Market Works" by Dalton. All rejections are respectfully traversed.

Independent claim 1 recites, *inter alia*, "receiving from a customer an odd lot selling order or an odd lot buying order for a particular stock company", "judging whether or not a number of total stocks of said odd lot selling orders or a number of total stocks of said odd lot buying orders received at said receiving is over a threshold value that is less than said round lot stock number and is determined by a predetermined rule", and "if it is judged at said judging that the number of total stocks of said odd lot selling orders or the number of total stocks of said odd lot buying orders is over said threshold value, outputting a selling order of said round lot stock number defined for said particular stock company for said odd lot selling orders or a buying order of said round lot stock number defined for said particular stock company for said odd lot buying orders".

Independent claim 7 recites, *inter alia*, "judging whether or not a number of total stocks of odd lot buying orders or a number of total stocks of odd lot selling orders that are received from customers is over said round lot stock number of said particular stock company", "if it is judged at said judging that said number of said total stocks of said odd lot buying orders or said number of said total stocks of said odd lot selling orders is over said round lot stock number, judging whether or not it is possible to provide a minimum number of ordered stocks of said odd lot buying orders or said odd lot selling orders to each customer who makes said odd lot buying order or said odd lot selling order", "if it is judged at said second judging that it is possible to provide, providing said minimum number of said ordered stocks of said odd lot buying orders or said odd lot selling orders to said each customer who makes said odd lot buying order or said odd lot selling order", and "providing a number of remainder stocks that is calculated by subtracting a number of all stocks provided at said first providing from said round lot stock number to a customer who has a remainder of the order, according to a second predetermined rule".

Independent claim 9 recites, *inter alia*, "receiving from a customer an odd lot selling order or an odd lot buying order for a particular stock company", "judging whether or not a number of total stocks of said odd lot selling orders or a number of total stocks of said odd lot buying orders received at said receiving is over a threshold value that is less than said round lot stock number

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and is determined by a predetermined rule", and "if it is judged at said judging that the number of total stocks of said odd lot selling orders or the number of total stocks of said odd lot buying orders is over said threshold value, outputting a selling order of said round lot stock number defined for said particular stock company for said odd lot selling orders or a buying order of said round lot stock number defined for said particular stock company for said odd lot buying orders".

Independent claim 15 recites, *inter alia*, "judging whether or not a number of total stocks of odd lot buying orders or a number of total stocks of odd lot selling orders that are received from customers is over said round lot stock number of said particular stock company", "if it is judged at said judging that said number of said total stocks of said odd lot buying orders or said number of said total stocks of said odd lot selling orders is over said round lot stock number, judging whether or not it is possible to provide a minimum number of ordered stocks of said odd lot buying orders or said odd lot selling orders to each customer who makes said odd lot buying order or said odd lot selling order", "if it is judged at said second judging that it is possible to provide, providing said minimum number of said ordered stocks of said odd lot buying orders or said odd lot selling orders to said each customer who makes said odd lot buying order or said odd lot selling order", and "providing a number of remainder stocks that is calculated by subtracting a number of all stocks provided at said first providing from said round lot stock number to a customer who has a remainder of the order, according to a second predetermined rule".

Independent claim 17 recites, *inter alia*, "a unit for receiving from a customer an odd lot selling order or an odd lot buying order for a particular stock company", "a unit for judging whether or not a number of total stocks of said odd lot selling orders or a number of total stocks of said odd lot buying orders received by said unit for receiving is over a threshold value that is less than said round lot stock number and is determined by a predetermined rule", and "a unit for outputting a selling order of said round lot stock number defined for said particular stock company for said odd lot selling orders or a buying order of said round lot stock number defined for said particular stock company for said odd lot buying orders if it is judged by said unit for judging that the number of total stocks of said odd lot selling orders or the number of total stocks of said odd lot buying orders is over said threshold value".

Independent claim 23 recites, *inter alia*, "a first judging unit for judging whether or not a number of total stocks of odd lot buying orders or a number of total stocks of odd lot selling orders that are received from customers is over said round lot stock number of said particular stock company", "a second judging unit for judging whether or not it is possible to provide a minimum number of ordered stocks of said odd lot buying orders or said odd lot selling orders to

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each customer who makes said odd lot buying order or said odd lot selling order if it is judged by said first judging unit that said number of said total stocks of said odd lot buying orders or said number of said total stocks of said odd lot selling orders is over said round lot stock number", "a first providing unit for providing said minimum number of said ordered stocks of said odd lot buying orders or said odd lot selling orders to said each customer who makes said odd lot buying order or said odd lot selling order if it is judged by said second judging unit that it is possible to provide", and "a second providing unit for providing a number of remainder stocks that is calculated by subtracting a number of all stocks provided at said first providing from said round lot stock number to a customer who has a remainder of the order, according to a second predetermined rule".

Without conceding the propriety of the asserted combination, Applicants respectfully submit that the asserted combination does not teach or suggest at least the aforementioned features of independent claims 1, 7, 9, 15, 17, and 23.

With respect to independent claims 1, 9, and 17, in the "Response to Arguments", the Office Action asserts that "it is obvious that a 'threshold value' must be set by a trading program in order to classify the trade as either an odd lot trade or a round lot trade" and that "it is obvious that with the odd lot definition disclosed by Dalton combined with the computer based system of Wallman, a threshold value must be present in order for the computer system of Wallman to identify an odd lot trade". Applicants respectfully disagree and respectfully submit that Wallman fails to teach or suggest a threshold value.

The "round lot stock number" classifies the trade as either an odd lot trade or a round lot trade. Independent claim 1 recites that the "threshold value" is "less than said round lot stock number". Thus, the "threshold value" is not the same as the round lot stock number used to classify the trade as an odd lot trade or a round lot trade. Applicants respectfully submit that neither Wallman nor Dalton teaches or suggests a threshold value as recited in the independent claims.

In a non-limiting example, the threshold value may allow for a securities firm to appropriately execute trading orders of the odd lot without making the price fluctuation risk come to the surface, if the securities firm settles the orders of the odd lots from the customers when the number of the total ordered stocks does not meet the round stock number.

At col. 21, lines 21-62, Wallman discusses that "the remaining 1/2 share would be owned by the broker or a third party worker with the broker operating the system and held for allocation as needed in subsequent rounds of trading. At page 6, the Office Action asserts that Wallman teaches "A risk and differential return calculation process calculates a risk and a differential

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return of the entire investor portfolio . . . and provides the relative risk and differential return to the graphical investor interface, which displays . . . to the investor". However, Wallman teaches that the risk is taken by the investor (which corresponds to the customer), and not by the securities firm. Thus, Wallman, fails to teach or suggest any way of supporting the risk taken by the securities firm associated with the buying carryover or the selling carryover.

Dalton at page 108, lines 1-2, discloses that "Specialists must buy when a customer wants to sell, and sell when a customer wants to buy". Dalton also discloses that a differential is a charge commonly added to the purchase price and subtracted from the selling price by the dealer for odd-lot quantities. As described at page 108 of Dalton, the differential "goes to the specialist as compensation for filling the order". At page 109, Dalton discloses that odd-lot orders for separate customers may be bunched. However, Dalton is silent as to setting a threshold value, lowering the risk of the securities firm, and settling the orders of customers in an early stage. Consequently, Dalton does not teach or suggest judging whether or not a number of total stocks of said odd lot selling orders or a number of total stocks of said odd lot buying orders received at said receiving is over a threshold value.

In view of the foregoing, it is respectfully submitted that the asserted combination does not teach or suggest at least the aforementioned features of independent claims 1, 9, and 17. Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 1, 9, and 17 under 35 U.S.C. §103 are respectfully requested.

With respect to independent claims 7, 15, and 23, the Office Action acknowledges that Wallman does not teach or suggest any of the features of claims 7, 15, and 23. However, the Office Action asserts that "in the purchasing/selling of financial securities, there could be a great number of possible ways to set a predetermined rule for providing a minimum number of ordered stocks to each customer", citing Dalton at pages 107-111. Further, the Office Action asserts that "A broker desiring to buy/sell round lot would have been motivated to add the remainder of an order (not being a round lot or an odd lot) to be added with a number of an order or odd lot to make a round lot". Finally, the Office Action asserts that "one of ordinary skill in the art at the time of the invention would have been motivated to such a rule for determining a minimum number of ordered stocks in the system of Wallman in order to maintain the system of Wallman and also to transact or buy/sell the desired ordered stocks". Applicants respectfully disagree.

Applicants respectfully submit that neither Wallman nor Dalton teaches or suggests any way to provide stocks to each customer without causing the strains conventionally experienced. Neither Wallman nor Dalton provides any teaching, suggestion, or motivation for "providing said minimum number of said ordered stocks of said odd lot buying orders or said odd lot selling

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orders to said each customer who makes said odd lot buying order or said odd lot selling order" or " providing a number of remainder stocks that is calculated by subtracting a number of all stocks provided at said first providing from said round lot stock number", as recited in these independent claims.

MPEP 2143 states "To establish a *prima facie* case of obviousness, three basic criteria must be met. First, there must be some suggestion or motivation, either in the references themselves or in the knowledge generally available to one of ordinary skill in the art, to modify the reference or to combine reference teachings. Second, there must be a reasonable expectation of success. Finally, the prior art reference (or references when combined) must teach or suggest all the claim limitations." The Office Action acknowledges that Wallman fails to teach or suggest any claim limitations, and Dalton merely suggests that "there could be a great number of possible ways to set a predetermined rule for providing a minimum number of ordered stocks to each customer and such would not affect the functioning of the system of Wallman" and provides the definitions of odd lots and round lots. Thus, Applicants respectfully submit that the Office Action has failed to establish a *prima facie* case of obviousness, as none of the limitations of claims 7, 15, or 23 are taught or suggested by the asserted citations.

In view of the foregoing, it is respectfully submitted that the asserted combination does not teach or suggest at least the aforementioned features of independent claims 7, 15, and 23.

Accordingly, favorable reconsideration and withdrawal of the rejection of independent claims 7, 15, and 23 under 35 U.S.C. §103 are respectfully requested.

In view of the foregoing, Applicants respectfully submit that the independent claims patentably define the present invention over the citations of record. Further, the dependent claims should also be allowable for the same reasons as their respective base claims and further due to the additional features that they recite. Separate and individual consideration of the dependent claims is respectfully requested.

Applicant submits that this Amendment After Final Rejection clearly places the subject application in condition for allowance. This Amendment was not earlier presented because Applicants believed that the prior response placed the subject application in condition for allowance. Accordingly, entry of the instant Amendment as an earnest attempt to advance prosecution and reduce the number of issues is requested under 37 C.F.R. §1.116.

Applicants believe that the present Amendment is responsive to each of the points raised by the Examiner in the Official Action. However, if there are any formal matters remaining after this response, the Examiner is requested to telephone the undersigned to attend to such matters.

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There being no further outstanding objections or rejections, it is submitted that the present application is in condition for allowance. An early action to that effect is courteously solicited.

If there are any additional fees associated with filing of this Amendment, please charge the same to our Deposit Account No. 19-3935.

Respectfully submitted,

STAAS &amp; HALSEY LLP

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